

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AYLUS NETWORKS, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 13-cv-04700-EMC (KAW)

**ORDER REGARDING JOINT
DISCOVERY LETTER BRIEF**

Re: Dkt. No. 112

The parties to the above-captioned case have filed a joint discovery letter brief. (Joint Ltr., Dkt. No. 112.) The dispute concerns Aylus' Request for Production No. 80. (*Id.* at 1.) In the request for production, Aylus seeks: "All documents referring or relating to any involvement by Apple in any potential or current standard-setting organization with respect to Airplay Functionality or any functionality related to AppleTV." (*Id.* at 1.)

Aylus contends that these documents are relevant because "Apple's participation in standards organization is likely to provide key insights regarding the design and development choices about the operation of its products, and the non-infringing alternatives that were considered, but not selected." (*Id.* at 2.)

While Apple asserts that Aylus has not claimed that the practice of any particular standard infringes the asserted patent, it has proposed the following:

In an effort to avoid a discovery dispute, to the extent Apple relied on any standard organization for a design and development choice, or any alleged non-infringing alternative that was considered but not selected, that relates to the accused functionality as set forth in Aylus' infringement contentions, Apple will produce responsive documents to the extent they exist and are located after a reasonable search of likely custodians.

(*Id.* at 2.)

1 In its portion of the joint letter, Aylus does not, as required by this Court's General
2 Standing Order, offer its own proposed compromise. (*See* Joint Ltr. at 1, 2.) Nor does it address
3 why Apple's suggested resolution is not appropriate in this case. Accordingly, the parties' joint
4 letter is terminated. If Aylus seeks production in addition to that which Apple has agreed to
5 provide, Aylus shall address the issues noted above in a further joint letter, which the parties shall
6 file by no later than March 26, 2015, and only after **lead trial counsel** have met and conferred on
7 this discovery dispute. *See* Judge Westmore's General Standing Order ¶ 12.

8 IT IS SO ORDERED.

9 Dated: 03/12/15

10 
11 KANDIS A. WESTMORE
United States Magistrate Judge